

# **EXHIBIT E**

# Ballard Spahr LLP

210 Lake Drive East, Suite 200  
Cherry Hill, NJ 08002-1163  
TEL 856.761.3400  
FAX 856.761.1020  
www.ballardspahr.com

William Reiley  
Tel: 856.761.3465  
Fax: 856.761.3465  
ReileyW@ballardspahr.com

February 15, 2018

*Via E-mail*

Andrew M. Milz  
Flitter Milz, P.C.  
525 Rt. 73 South, Ste. 200  
Marlton, NJ 08053

Re: Douglas Littlejohn v. Vivint Solar, No. 1:16-CV-09446-NLH-JS

Dear Mr. Milz:

I write to demand your withdrawal of the two subpoenas dated February 8, 2018, which you served on Equifax, Inc. (Equifax) and TransUnion (collectively referred to as the "Credit Reporting Agencies"). These subpoenas, which have a return date for production of documents by February 23, 2018,<sup>1</sup> impermissibly seek information and documentation outside of the scope of discovery as Ordered by the Honorable Joel Schneider, U.S.M.J. of the United States District Court, District of New Jersey.<sup>2</sup>

On September 21, 2017, Judge Schneider denied, in part, the broad discovery sought by your client and limited discovery to: (1) similar claims of improper credit pulls; (2) made by consumers from Pennsylvania, New Jersey and Delaware; (3) within the five years prior to the filing of the complaint.

The subpoenas served on the Credit Reporting Agencies seek information far outside of these bounds and are a flagrant attempt to circumvent Judge Schneider's order. The subpoenas also improperly seek confidential, proprietary and personal information.

If you do not withdraw the subpoenas by **Friday, February 16, 2018 at 12:00 p.m.**, we will move to quash both subpoenas.

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<sup>1</sup> February 23, 2018 is the return date for production of documents listed on the subpoenas; however, the return date listed for the TransUnion deposition is February 28, 2018 and the Equifax deposition is March 1, 2018. The substance of the requests contained in each subpoena is identical.

<sup>2</sup> See Judge Schneider's September 21, 2017 Order [ECF No. 23] filed under Civil No. 16-9446 (NLH/JS), attached hereto as Ex. A.

Andrew M. Milz, Esq.  
February 15, 2018  
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By copy of this letter, I am informing Equifax and TransUnion of our position with respect to the subpoenas and our intent to move to quash them if they are not withdrawn.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Will Reiley", written over the printed name.

William P. Reiley

WPR/

cc: Equifax, Inc., Custodian of Records (via Federal Express)  
TransUnion, Custodian of Records (via Federal Express)